

78A-6-804. Court procedure.

(1) Upon the filing of a petition in accordance with Section 78A-6-803, the court shall review the petition for completeness and whether the petitioner meets the age requirement for filing the petition.

(a) If the petition is incomplete or the petitioner does not meet the age requirement, the court may dismiss the action immediately.

(b) If the petition is complete and the petitioner meets the age requirement, the court shall schedule a pretrial hearing on the matter within 30 days.

(2) The court may appoint a guardian ad litem in accordance with Section 78A-6-902 to represent the minor.

(3) At the hearing, the court shall consider the best interests of the minor according to the following:

(a) whether the minor is capable of assuming adult responsibilities;

(b) whether the minor is capable of living independently of his or her parents, guardian, or custodian;

(c) opinions and recommendations from the guardian ad litem, parents, guardian, or custodian, and any other evidence; and

(d) whether emancipation will create a risk of harm to the minor.

(4) If the court determines by clear and convincing evidence that emancipation is in the best interests of the minor, it shall issue a declaration of emancipation.

Amended by Chapter 259, 2010 General Session